

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
19-CA-298200Date Filed
6/24/2022**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Shunyata Research Inc.		b. Tel. No. (360) 598-9935
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 26273 12 Trees Lane NW Suite D WA Poulsbo 98370	e. Employer Representative (b) (6), (b) (7)(C)	g. e-mail
		h. Number of workers employed 20
i. Type of Establishment (factory, mine, wholesaler, etc.) Misc. Fabricated Products	j. Identify principal product or service Premium Audio Equipment/Cables	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 1 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

(b) (6), (b) (7)(C) filing charge (if labor organization, give full name, including local name and number)

4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-mail (b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements
are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(signature of representative or person making charge)

(Print/type name and title or office, if any)

(b) (6), (b) (7)(C)

Address

Date 06/24/2022 01:58:27 PM

Tel. No.
(b) (6), (b) (7)(C)Office, if any, Cell No.
(b) (6), (b) (7)(C)

Fax No.

e-mail
(b) (6), (b) (7)(C)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7) /2022

8(a)(1)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Threat of termination if incident repeated again	(b) /2022

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from engaging in protected concerted activities.

Work Rule
Work questions routed through supervisors



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
NLRB
Mobile App

June 24, 2022

(b) (6), (b) (7)(C)

Shunyata Research Inc.
26273 12 Trees Lane NW Suite D
Poulsbo, WA 98370

Re: Shunyata Research Inc.
Case 19-CA-298200

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner TRAVIS WILLIAMS whose telephone number is (206)220-6321. If this Board agent is not available, you may contact Supervisory Field Examiner SARA C. DUNN whose telephone number is (206)220-6318.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 19-CA-298200
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SHUNYATA RESEARCH INC.

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 19-CA-298200

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 24, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Shunyata Research Inc.
26273 12 Trees Lane NW Suite D
Poulsbo, WA 98370

June 24, 2022

Date

Dennis Snook, Designated Agent of NLRB

Name

/s/ Annie La

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlrb.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
NLRB
Mobile App

June 24, 2022

(b) (6), (b) (7)(C)

Re: Shunyata Research Inc.
Case 19-CA-298200

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on June 24, 2022 has been docketed as case number 19-CA-298200. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner TRAVIS WILLIAMS whose telephone number is (206)220-6321. If this Board agent is not available, you may contact Supervisory Field Examiner SARA C. DUNN whose telephone number is (206)220-6318.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

Rocke Law Group, PLLC
500 Union Street
Suite 909
Seattle, WA 98101
(206) 652-8670



July 6, 2022

Travis Williams
Field Examiner
915 2nd Avenue, Ste. 2948
Seattle, WA 98174

RE: (b) (6), (b) (7)(C) v. *Shunyata Research Corporation*, Case No. 19-CA-298200
Notice of Appearance of Aaron V. Rocke on Behalf of Shunyata Research Corp.

Dear Mr. Williams:

Our firm represents Shunyata Research Corporation regarding the above-referenced matter. Please direct all future correspondence and communications to my office. I can be reached by phone at (206) 652-8670 or by email at aaron@rockelaw.com.

Thank you for your courtesies.

Sincerely,

A handwritten signature in black ink, appearing to read "A. V. Rocke", with a long, sweeping horizontal line extending to the right.

Aaron V. Rocke

cc: Client

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and

Shunyata Research Inc.

CASE 19-CA-298200

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Shunyata Research Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)


NAME: Aaron V. Rocke

MAILING ADDRESS: 500 Union Street, Suite 909, Seattle, WA 98101

E-MAIL ADDRESS: aaron@rockelaw.com

OFFICE TELEPHONE NUMBER: 206-652-8670

CELL PHONE NUMBER: _____ FAX: 206-452-5895

SIGNATURE: 
(Please sign in ink.)

DATE: _____

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305

October 6, 2022

(b) (6), (b) (7)(C)

Re: Shunyata Research Inc.
Case 19-CA-298200

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge alleging that Shunyata Research, Inc. ("Employer"), has violated Section 8(a)(1) of the National Labor Relations Act ("Act") by: 1) discharging you in retaliation for your protected concerted activities; 2) threatening to discipline you for engaging in protected concerted activities; and 3) maintaining work rules that prevent employees from engaging in protected concerted activities.

Decision to Partially Dismiss: Based on that investigation, I have decided to dismiss that portion of the charge alleging your discharge was in violation of Section 8(a)(1) of the Act because there was insufficient evidence that the Employer's decision to lay you off was in retaliation for your protected concerted activities. The evidence indicates that the Employer decided to lay off certain employees, including you, by seniority after evaluating revenue and sales figures. In reducing its staff in this manner, it also laid off another employee with low seniority who had not engaged in protected concerted activity. Therefore, further proceedings on this allegation are not warranted and I am refusing to issue complaint on this allegation.

The remaining allegations that the Employer violated Section 8(a)(1) of the Act by threatening you with discipline and maintaining work rules that prevented employees from engaging in protected concerted activity remain pending and subject to further processing.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlr.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at www.nlr.gov. If you require additional assistance with E-Filing, please contact E-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and

your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me. The main telephone number for the Office of Appeals is **(202)273-3760**.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **October 20, 2022**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than October 19, 2022. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 20, 2022**. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 20, 2022, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



RONALD K. HOOKS
Regional Director

WW
Enclosure

cc: (b) (6), (b) (7)(C)
Shunyata Research Inc.
26273 12 Trees Ln NW Ste D
Poulsbo, WA 98370-7172

Aaron V. Roche, Attorney
Roche Law Group, PLLC
500 Union St Ste 909
Seattle, WA 98101-4052

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.
8. If you need to contact the Office of Appeals, please call **(202)273-3760**.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

October 17, 2022

(b) (6), (b) (7)(C)

Re: Shunyata Research Inc.
Case 19-CA-298200

Dear (b) (6), (b) (7)(C):

We have received your timely appeal from the Region's decision in the above-captioned case. We will assign your appeal for processing in accordance with Agency procedures. Please be assured that our review of this matter will include a full analysis of the underlying investigatory file, your appeal, as well as current Board law and processes.

We will notify you and all involved parties of our decision by letter via email as permitted under Section 102.4(c) of the Board's *Rules and Regulations*. If an email address is not available for you, we will provide the decision by mail.

Sincerely,

Jennifer A. Abruzzo
General Counsel

A handwritten signature in black ink, appearing to read "Elicia L. Watts", is written over a horizontal line.

By:

Elicia L. Watts, Acting Director
Office of Appeals

cc: RONALD K. HOOKS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
915 2ND AVE STE 2948
SEATTLE, WA 98174-1006

AARON V. ROCKE, ESQ.
ROCKE LAW GROUP, PLLC
500 UNION ST STE 909
SEATTLE, WA 98101

(b) (6), (b) (7)(C)

SHUNYATA RESEARCH INC.
26273 12 TREES LANE NW STE D
POULSBO, WA 98370

kh



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

November 8, 2022

(b) (6), (b) (7)(C)

Re: Shunyata Research Inc.
Case 19-CA-298200

Dear (b) (6), (b) (7)(C):

This Office has carefully considered your appeal of the partial dismissal by the Regional Director in the above captioned matter. We agree with the Regional Director's determination and deny the appeal.

The appeal concerns the Regional Director's decision to dismiss the portion of the charge alleging that the Employer unlawfully selected you for layoff because you had engaged in protected concerted activity violative of Section 8(a)(1) of the National Labor Relations Act. The evidence refutes your appeal contention that the Employer failed to appropriately apply seniority in selecting you for layoff. Evidence revealed that the Employer applied legitimate department-wide seniority in selecting you and other employees for layoff in (b) (6), (b) (7)(C) 2022. Moreover, evidence established that you, as well as the other employees selected for layoff, were the least senior employees in your respective departments. In addition, evidence demonstrates that the employees cited in the appeal as having less seniority than you did not work in your department. In these circumstances, evidence from the Regional investigation insufficiently supports your contention of unlawful pretext relating to the Employer's selection of you for layoff. Finally, the objective evidence failed to disclose a nexus between your protected concerted activity and the Employer's decision to select you for layoff.

Accordingly, the appeal of the partially dismissed allegation is denied.

Sincerely,

Jennifer A. Abruzzo
General Counsel



By:

Mark E. Arbesfeld, Director
Office of Appeals

cc: RONALD K. HOOKS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
915 2ND AVE STE 2948
SEATTLE, WA 98174-1006

AARON V. ROCKE, ESQ.
ROCKE LAW GROUP, PLLC
500 UNION ST STE 909
SEATTLE, WA 98101-4052

(b) (6), (b) (7)(C)

SHUNYATA RESEARCH INC.
26273 12 TREES LN NW STE D
POULSBO, WA 98370

kh

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
Shunyata Research Inc.

Case 19-CA-298200

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING AND MAILING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in prominent places around its facility, located at 26273 12 Trees Lane NW, Suite D, Poulsbo, WA 98370, including all places where the Charged Party normally posts notices to employees. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting. The Charged Party will also copy and mail, at its own expense, a copy of the attached Notice to all current employees and former employees who were employed at any time since April 14, 2022. If the Employer's place of business is currently closed and a substantial number of employees are not reporting to the facility due to the Coronavirus pandemic or is operating with less than a substantial complement of employees, the 60 consecutive day period for posting will begin when the Employer's place of business reopens and a substantial complement of employees have returned to work. For purposes of this notice posting, a substantial complement of employees is at least 50% of the total number of employees employed by the Employer prior to closing its business due to the Coronavirus pandemic. If the Employer's place of business is currently closed due to the Coronavirus pandemic, the Employer will mail the Notice to its employees when the Employer's place of business reopens. Those Notices will be signed by a responsible official of the Charged Party and show the date of mailing. The Charged Party will provide the Regional Director written confirmation of the date of mailing and a list of names and addresses of employees to whom the Notices were mailed.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

Initials: AVR

000001

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____
 Initials

No AVR _____
 Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director. The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will issue a Complaint that includes the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices. Thereafter, the General Counsel may file a Motion for Default Judgment with the Board on the allegations of the Complaint. The Charged Party understands and agrees that all of the allegations of the Complaint will be deemed admitted and that it will have waived its right to file an Answer to such Complaint. The only issue that the Charged Party may raise before the Board will be whether it defaulted on the terms of this Settlement Agreement. The General Counsel may seek, and the Board may impose, a full remedy for each unfair labor practice identified in the Notice to Employees. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Charged Party agrees that the Board may then issue an order providing, as elected by the Regional Director, a full remedy for the violations found as is appropriate to remedy such violations, and/or an order requiring the Charged Party to perform terms of this settlement agreement as specified by the Regional Director. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Initials: AVR

Charged Party Shunyata Research Inc.			Charging Party (b) (6), (b) (7)(C)		
By:	Name and Title	Date	By:	Name and Title	Date
			(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Dec. 8, 2022
Aaron V. Rocke, attorney for Shunyata 12/6/22					
Print Name and Title below			Print Name and Title below		
			(b) (6), (b) (7)(C) <i>past employee laid off</i>		
Recommended By:		Date	Approved By:		Date
<i>J. Travis Williams</i>		12/15/22	<i>Janet Little</i>		12/16/2022
TRAVIS WILLIAMS			Janet Little, Acting		
Field Examiner			Regional Director, Region 19		

Initials: AVR

000003

(To be printed and posted on official Board notice form)

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT interfere with, restrain, or coerce you in the exercise of the above rights.

WE WILL NOT stop you from discussing wages, hours and working conditions with your coworkers and **WE WILL** rescind the rule requiring you to only discuss these subjects with supervisors and managers.

WE WILL NOT threaten you with discipline or termination if you engage in activity with other employees regarding your wages, hours, and working conditions.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Shunyata Research Inc.

(Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Callers who are deaf or hard of hearing who wish to speak to an NLRB representative should send an email to relay.service@nrlrb.gov. An NLRB representative will email the requestor with instructions on how to schedule a relay service call.

915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Telephone: (206)220-6300
Hours of Operation: 8:15 a.m. to 4:45 p.m.

Initials: AVR

000004

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

Initials: AVR

000005



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlrb.gov
Telephone: (206)220-6300
Fax: (206)220-6305

Agent's Direct Dial: (206)220-6288

Email address: patricia.ramirez@nlrb.gov

December 21, 2022

Aaron V. Roche, Attorney
Roche Law Group, PLLC
500 Union St Ste 909
Seattle, WA 98101-4052
aaron@rockelaw.com

SERVED VIA EMAIL ONLY

Re: Shunyata Research Inc.
Case 19-CA-298200

Dear Mr. Roche:

Enclosed is a conformed copy of the Settlement Agreement in the above matter that was approved on December 16, 2022. The Settlement Agreement is now in effect and has been assigned to me to secure compliance with its terms. This letter discusses what the Employer needs to do to comply with the Agreement and sets forth deadlines for the return of documentary evidence and certifications demonstrating the Employer's efforts to comply. In corresponding with the Agency during the compliance phase, please be advised that the NLRB requires the mandatory electronic filing of all case documents via the Agency's e-filing portal at www.nlrb.gov.

Physically Post Notice: Enclosed are printable copies of the official Notice to Employees. By January 3, 2023, the Employer must:

- print the attached Notices in color on 8 ½ by 14 inch legal-sized paper and ensure that each copy of the Notice retains the heading in blue lettering at the top of the Notice and the footer containing the Employer's signature and the Region's contact information.
- have a responsible official of the Employer, not the Employer's attorney, sign and date the Notices.
- post the signed Notices in prominent places around its facility located at 26273 12 Trees Lane NW, Suite D, Poulsbo, WA 98370, including all places where the Employer normally posts notices to employees. The Employer should keep the Notices posted for a period of 60 consecutive days after the initial posting.

The Employer must take reasonable steps to ensure that the Notices are not altered, defaced or covered by other material. During the posting period, a member of the Regional Office staff may visit the Employer's facility to inspect the Notices.

Case(s) 19-CA-298200

Mail Notice: The Settlement Agreement provides that the Employer will copy in color and mail, at its own expense, a copy of the signed Notice to all current and former employees who were employed at any time since April 14, 2022.

By January 3, 2023, the Employer must:

- print the attached Notices in color on 8 ½ by 14 inch legal-sized paper and ensure that each copy of the Notice retains the heading in blue lettering at the top of the Notice, and the footer containing's signature and the Region's contact information.
- have a responsible official of the Employer, not the Employer's attorney, sign and date the Notices.
- mail the Notices, at the Employer's expense.
- confirm in writing on the Certification of Posting form the date of actual mailing and provide a list of names and addresses of employees to whom the Notices were mailed.

Remedial Actions

Rule Rescission: The Settlement Agreement provides that the Employer will rescind the rules requiring employees to discuss their wages, hours and working conditions only with supervisors and managers. By January 3, 2023, the Employer must:

- Submit documentary evidence, such as a copy of the handbook or intranet site showing that the Employer rescinded the rule, via e-file at www.nlrb.gov.

Certifications of Compliance: Certification of Posting and Compliance forms are enclosed. The Employer must complete and return the following forms by the deadlines listed below:

- By January 3, 2023, return via e-file the completed Certification of Posting form, along with a color copy of the signed Notice and, if applicable, documentary evidence to support the Employer's compliance with distributing the signed Notice to employees through other methods.
- By January 3, 2023, return via e-file the completed Certification of Compliance form, along with any documentary evidence to support the Employer's compliance with the affirmative actions the Employer must take to comply.

Electronic Filing of Documents: The NLRB requires mandatory electronic filing of all case documents. See [GC 20-01](#) for more information. Written instructions for using the Agency's e-filing system and the Agency's Electronic Filing Terms and Conditions have been posted on the Agency's [website](#). The Agency's website also contains a [video demonstration](#) which provides step-by-step instructions for e-filing.

Case Closing

When all the affirmative terms of the Settlement Agreement have been fully complied with and there are no reported violations of its negative provisions, you will be notified that this

Case(s) 19-CA-298200

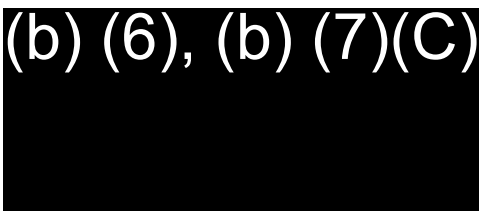
case has been closed on compliance. Timely submission of the Certifications of Posting and Compliance, along with the documents requested within, will assist the Regional Office in recommending the closing of this case in a timely manner.

Your cooperation in this matter will be appreciated.

Thank you,

/s/ Patricia Ramirez
PATRICIA RAMIREZ

Enclosures: Copy of Conformed Settlement Agreement
Notices to Employees
Certification of Posting Form
Certification of Compliance Form

cc: (b) (6), (b) (7)(C)


CERTIFICATION OF POSTING

**RE: Shunyata Research Inc.
Case(s) 19-CA-298200**

Due Date: January 3, 2023

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply

Physical Posting

The signed and dated Notice to Employees in the above matter was posted on (date) _____ at the following locations: (List specific places of posting)

A legible copy of the signed Notice, displaying full text of the Notice, including the date, signature and title of the responsible official of the Employer was e-filed together with this Certification.

Physical Mailing

The signed and dated Notice to Employees in the above captioned matter was mailed on (date) _____ to all current and former employees who were employed at any time since April 14, 2022. **A copy of the list of names and addresses of employees to whom the Notices were mailed was e-filed together with this Certification.**

I have completed this Certification of Posting and state under penalty of perjury that it is true and correct.

CHARGED PARTY

By: _____

Title: _____

Date: _____

This form should be returned to the Regional Office together with **ONE** original Notice, dated and signed in the same manner as those posted. The Certification of Posting form and color-scanned signed Notice should be returned via e-file. Please do not e-mail or physically send hard copies of the Certification of Posting form or Notice at this time. If you need assistance in e-filing case documents, please contact the Compliance Officer or Assistant assigned to this case.

CERTIFICATION OF COMPLIANCE

Due Date: January 3, 2023

**RE: Shunyata Research Inc.
Case(s) 19-CA-298200**

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply.

Rescinded/Revised Rules

On (date) _____, the Employer rescinded the overly broad rule that was found to be unlawful in the Settlement Agreement.

On (date) _____, the Employer notified employees that the rule that was found to be unlawful in the Settlement Agreement have been rescinded. **Documentation that these steps have been completed has been e-filed.**

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY

By: _____

Title: _____

Date: _____

This form should be returned to the Regional Office via e-file. Please do not e-mail or physically send hard copies of the Certification of Compliance form at this time. If you need assistance in e-filing case documents, please contact the Compliance Officer or Assistant assigned to this case.

CERTIFICATION OF COMPLIANCE

Due Date: January 3, 2023

**RE: Shunyata Research Inc.
Case(s) 19-CA-298200**

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply.

Rescinded/Revised Rules

On (date) 12/29/22, the Employer rescinded the overly broad rule that was found to be unlawful in the Settlement Agreement.

On (date) 12/29/22, the Employer notified employees that the rule that was found to be unlawful in the Settlement Agreement have been rescinded. **Documentation that these steps have been completed has been e-filed.**

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

By:

Title

Date: 12/29/22

(b) (6), (b) (7)(C)

This form should be returned to the Regional Office via e-file. Please do not e-mail or physically send hard copies of the Certification of Compliance form at this time. If you need assistance in e-filing case documents, please contact the Compliance Officer or Assistant assigned to this case.

CERTIFICATION OF POSTING

**RE: Shunyata Research Inc.
Case(s) 19-CA-298200**

Due Date: January 3, 2023

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply

Physical Posting

The signed and dated Notice to Employees in the above matter was posted on (date) 12/29/22 at the following locations: (List specific places of posting)

Upstairs- entrance to door
Main level- production break room on bulletin board
Shipping area- near shipping office

A legible copy of the signed Notice, displaying full text of the Notice, including the date, signature and title of the responsible official of the Employer was e-filed together with this Certification.

Physical Mailing

The signed and dated Notice to Employees in the above captioned matter was mailed on (date) 12/29/22 to all current and former employees who were employed at any time since April 14, 2022. **A copy of the list of names and addresses of employees to whom the Notices were mailed was e-filed together with this Certification.**

I have completed this Certification of Posting and state under penalty of perjury that it is true and correct.

By:

Title:

Date: 12/29/22

CHARGED P

This form should be returned to the Regional Office together with **ONE** original Notice, dated and signed in the same manner as those posted. The Certification of Posting form and color-scanned signed Notice should be returned via e-file. Please do not e-mail or physically send hard copies of the Certification of Posting form or Notice at this time. If you need assistance in e-filing case documents, please contact the Compliance Officer or Assistant assigned to this case.